

1873-002 Chancery Causes Marion G. Pennington vs. Rachael E. Pennington &
Lee Co.

Reed, Stickley

1 Plat

CA - Estate Dispute
T - Property

To The Honorable Henry J. Morgan
Judge of the Court of Cass County
Your Obedient Son & Pennington humbly
complaining respectfully represents - That
in the year 18 his father Jim Pennington
deceased this life intestate. At the time
of his death he owned in fee a tract of
land which had been conveyed to him by
deed from Geo B Milbourne bearing date
on the 20th January, 1860 and containing
by estimation 119 acres. He also owned in
fee another tract which contains by estimation
195 acres and was conveyed to him
by John B Pennington by deed bearing
date on the 26th of March 1869. Both
of these deeds are of record in the clerk's
office of this court and to which reference
is made. And copies of which are herewith
filed. The said lands lie east of Jonesville
some 3 or 4 miles and on the north side of
Pawels river. These tracts of land have
descended in possession to the children of Intestate
who are his heirs at law and whose names
are as follows to wit, Morrison J Pennington
Your Obedient Son, Rachael E Pennington, ^{who is now married} ~~Morrison~~
J Pennington, John A Pennington and Cassius
W Pennington - the last named four are
infants. Now the object of this bill is to have
partition made of said lands among said heirs

He states that it would be beneficial
to him and not prejudicial to the other
co-possessors to have his share laid
off on one side of the land -
He thinks that it would also be
to the interest of the other heirs to
have their interests laid off adjoining
as he understands they contain lots
nothing else thereof and it will
promote their interest to have it in
one body. His prayer is that the
said Richard E. ^{and his legal assigns} Morton, John A.
and Susan W. Pinnington be made
defendants ^{in said state of New York} all of whom are infants ^{and}
and he therefore prays that a
guardian ad litem be appointed
for them who will answer this
bill and protect their interests and
on a hearing he prays that commissioners
be appointed directed to make partition
of said land among said heirs
according to their right and grant
general relief may summons issue to

Wm. B. B. B.
For R. E.

→ Gam. Orator states that the decedent Wm.
Pinnington left a widow who would be entitled
to dower in said land, but she has released to
said heirs all of her interest, so that the whole
land should be partitioned without regard
thereto -

C. 6.02 Paid 10/27
 A. 12.00
 S. 1.50 Paid
 C. 5.00 Paid
 Comm. 12.00
 Paid for 1.27
 \$40.97

Morion J Pennington

P. { Bille. et

Nathaniel E ~~Pennington~~ ^{Dece. 17/02}

1873 Jan 11 Bill filed

Wm H Orr app'd guardian
 ad litem - Ans of Inf't
 filed and cause set for
 hearing.

1873 Jan 12 Wm H Orr for
 1st Bill of Inf't
 2d Bill of Inf't
 3d Bill of Inf't

received & paid.

To the Hon Henry J Morgan Judge
of the County Court of Lee County Va

The Annors of David J Reed and
Rachel E his wife ~~jointly~~
to a bill filed in this Court against
them by Marion J Pennington for
the purpose of having the lands of
which John Pennington died the same
partitioned among his Heirs at
law who are mentioned in the
bill. These respondents have no
objection to the object of said bill
they only pray that their interest
be protected and that a full
share be assigned them,
and having answered &c

David J Reed

Rachel E Reed

By Marion J Pennington
Their Attorney in fact

David F. Reed 1764

ack { answer

Miriam P. Pennington

Filed at January Office 1873.
James W. Corbitt

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia.

The joint answer of Ross Stickley and
Vestine Stickley infant heirs and children
of Vestice Stickley deceased by David Miller
their guardian ad litem filed in your Hon-
orable Court against them and Henry J. Morgan
Administrator of William Cornes deceased and
Andrew J. Litton Adminr. De Bonis now of Vestices
Stickley deceased and Guardian for Ross and
Vestine Stickley by Wright Stickley, Worth
Stickley, and Benjamin T. Richmond and
Martha Richmond his wife Complainants

And for answer thereto these defendants who
are infants by David Miller, ^{their} Guardian ad litem
say that they reserve to themselves now and at
all times hereafter the full benefit of all proper
exceptions to Complainants' bill and further state
that they are infants under the age of twenty
one years and have no personal knowledge of
the facts and allegations contained in Compls.
bill and if they had they have not the judg-
ment and discretions of persons of mature years
and consequently neither admit nor deny
the allegations contained in Complainants bill
but the Courts of Chancery being the peculiar
guardians of the rights and interest of infants
these defendants ~~expressly~~ ask the protection of
the Court in any and all things that affect
their rights and interests in the premises and

they further ask that the Court require of
the Complainants to proceed in this cause ac-
cording to the strict rules of equity and justice.

And having answered as fully as it is deemed
advisable and necessary for them to answer
they ask to be dismissed with their costs.

David Miller

Guardian ad litem

Shown to before me by David Miller. this October 17th 1871.

James W Orr Clerk
Circuit-Court Lee County Va.

Wright-Stickley et als

vs
Guardian of Guardian
ad litem

Henry J Morgan Adm.

To the Honorable Henry D. Morgan Judge of the County
Court of Lee County.

The joint answer of Rachael E. ^{Pennington} ~~Pennington~~ Martha L. Pennington,
John L. Pennington and Lawson W. Pennington infants heirs of John Pennington dec'd
by Wm. A. Orr their guardian ad litem to a bill filed in your Honorable court
against these defendants by Marston L. Pennington who is also an heir of said
John Pennington dec'd. The object of which bill is to have partition of the lands
in the bill mentioned among said heirs. And for answer thereto your respondent
says that he knows of no reasons why said partition ^{should not be made}, but thinks it proper
and right that the same should be made. But courts of chancery being
the peculiar guardians of the rights and interests of infants your respondent
uses the protection of the court in any and all things that affect
their rights in the premises; and further asks that the complainant
be required to proceed according to the strict rules of equity. Having
answered as fully as he is advised it is material for them to
answer he prays to be dismissed with his costs.

Wm. A. Orr. L. F. C.

Sworn to before me the 22d day of January 1872.
James W. Orr. Clerk.

Marion L. Pennington
Att. of L. & C.
Richard C. Pennington
Adm.

Filed at January Rules 1873.
James W. Carr, Clk.

For this Am. \$5.00

Morton J. Pennington

or { Decree

Richard E. Pennington
Entered order Book page
195. James M. Corr. in

Enter this Decree
H. J. Morgan
Jan 28/73

Examiners and quantity, and about 500
Cant and the same is continued

ya. vol e E. New. 1860

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 near ... Hall's shop ...
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and second that the plaintiff
 hold 1 title in and to the land
 assigned him in 3000 by the
 claim of the other heirs of the
 And it is further deemed that the Lord enjoin
 the defendants be held by them as free
 from the claim of the plaintiff, it is
 further ordered that the decree relating, touching
 the plot & report of common law and this
 decree be recorded in the office of the Court
 Lord as this suit has now brought for
 the joint benefit of plaintiff and defendants
 it is ordered that the defendants pay the
 plaintiff 4/5 of the costs of this suit
 and the cause is continued to the
 next term

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Enter this Decree
 H. H. H.
 April 22/72

The court began on Monday at Lee County, at
the court was there from Feb 20th till January 1913

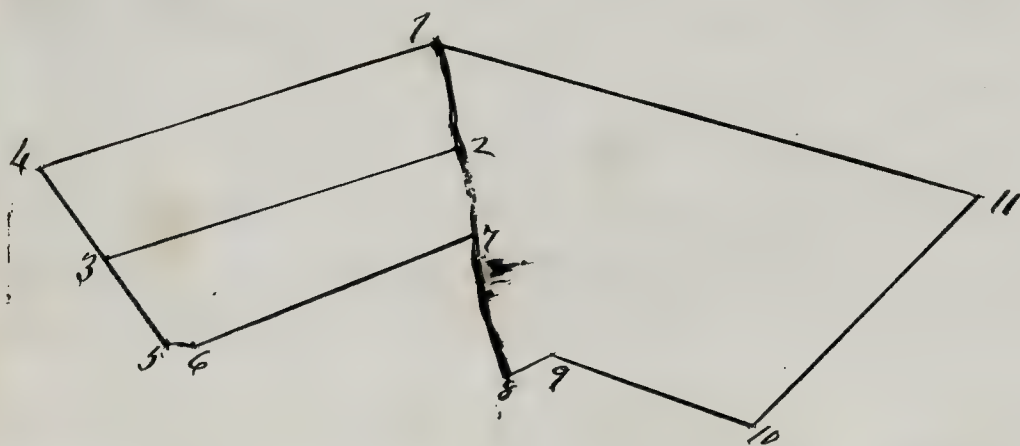
The court in the case of the
 plaintiff's wife, Elizabeth, and the
 defendant's wife, Sarah, and the
 children of David J. Reed,
 Rachael E. his wife, and was agreed by counsel,
 that a woman, appearing within the law, and the bill mentioned
 should not be partitioned among the heirs of David Pennington
 and. On consideration whereof it is adjudged, ordered and
 decreed that David Pennington his heirs and assigns and his
 assigns who are hereby made commissioners for the purpose
 do go upon the land in the bill mentioned, and assign
 to the plaintiff an equal wide tract of such quantity as
 will be equal in value to one fifth part of the whole,
 and then they will partition into four equal parts &
 assign or sell at once of these parts to each of the other
 defendants, to wit: Rachael E. Reed the wife of David J.
 Reed, the J. Pennington, John A. Pennington &
 George W. Pennington, and assign two of these or more
 of these shares among the land off before joining. The
 said commissioners will make a plat of the land
 and show upon it its boundaries and quantity &
 return to the court and the cause is continued.

12 copy

7th Dec. 1894. Mrs. A. C. B. C.

[Faint handwritten notes]

Greeting C. L. Hamblen
 L. L. C.
 11



Marion J. Pennington Plff. vs. Rachel E. Reed
 et als. Defts. } In Chancery.
 To The Honorable Henry J. Morgan Judge of The County
 Court of Lee County. Pursuant to Your decree
 rendered on the 20, day of January 1873. The undersigned
 who were named in said decree as Commissioners for
 that purpose have partitioned the land in the Bill
 mentioned among the heirs of Zion Pennington decd.
 in accordance with said decree. Your Commissioners
 have laid off and assigned to the Plff. Marion J.
 Pennington, One fifth part of the land in the Bill
 mentioned, which is bounded as follows: Beginning
 at 2 Black Oaks on the South side of the Fincastle
 road, near Dan. Hall's Shop; Thence with said road
 Westwardly 48 poles & 17 links to a Stake; Thence N. 18 W.
 182 poles to a Stake on Barrow's line & with the same
 N. 51 E. 62 poles to a Black Walnut & Black Oak corner
 to said Barrow's land & also corner to Henry Milbourn's
 land & with said Milbourn's line S. 15 E. 210 poles to
 the beginning; Containing 62 acres be the same more or
 less. See Fig. 1, 2, 3, 4, 1.

And we have laid off and assigned to Rachel E. Reed
 the wife of David J. Reed, Martha J. Pennington, John
 A. Pennington and Lawson W. Pennington, four fifths
 of said land whose shares are laid off together &
 bounded as follows: Beginning at 2 Chestnuts on
 the South side of the Fincastle road corner to Barrow's land

and with lines thereof S. 22. E. 24 poles to a Sunwood
S. 20. W. 106 poles to a dead red oak & some marked bushes
thence S. 45. E. 176 poles to a red oak; thence N. 17. E. 284 poles
to 2 Black oaks ^{on the south side of said road} now gone, near Dan. Hall's Shop. Corner to
Marion J. Pennington's lot & with lines of the same.

Westwardly along said road 48 poles & 17 links to a stake
thence N. 18. W. 182 poles to a stake on said Barrens line
& with lines thereof S. 51. W. 48 poles to 2 post oaks corner to
said Barren thence S. 12. W. 12 poles to a stake; thence
S. 21. E. 156 poles to a stake at said road & with the same
westwardly 79 poles to the beginning. Containing 25 1/2
acres be the same more or less. See Fig. 8, 9, 10, 11, 1, 2, 3, 5,
6, 7, 8. The reason that we have laid off and assigned these
four shares adjoining and together is that we are informed
that a suit is about to be instituted for the purpose of
subjecting said land to sale for the benefit of said heirs,
and the fact being suggested to us that perhaps it would
be better not to divide it into so many parts, but let it be
sold in such parcels as may suit purchasers.

February 19, 1873 All of which is Respectfully Submitted
Comrs. fees \$12.00 paid by J. H. Carr Bailey
Martin Collier } Comrs.
Andrew Baumgardner }

Marion J. Pennington
plff. v.s.
Rachel E. Reed et al.
Defts.
Partition of the land in
the Bill mentioned &
Commissioners Report

1873 Mch 18th filed.
James H. Orr clerk.

1873 April. Confirmed & ordered
to be recorded.

Recorded in Deed Book
No. 19 page 94
J. A. Quaker

The Commonwealth of Virginia.

To the Sheriff of Lee County---GREETING:

WE COMMAND YOU TO SUMMON

Rachael E. Pennington, Martha L. Pennington, John L. Pennington & Lawson W. Pennington

to appear before the Judge of our *County* Court of Lee County, at the Court House in the Clerk's Office, at Rules to be holden for said Court on the first Monday in *January* ¹⁸⁷² next to answer a bill in Chancery exhibited in our said Court by *Marion L. Pennington*

And have then there this writ. Witness JAMES W. ORR, Clerk of our said Court, at the Court House, this *6th* day of *January* 187*2* in the *77th* year of the Commonwealth.

J. W. Orr
By W. L. Orr
Clerk.

Mason J. Pennington
vs { Spani Chy.
Michael E. Pennington

Pen. Rules 1879

Not executed
the parties being
non-residents of
this State.

E. Anderson &
Jas C. Hamble
Attys.